

Samuel Mason Wendt (admitted *pro hac vice*)
WENDT LAW FIRM P.C.
4717 Grand Avenue, Suite 130
Kansas City, MO 64112
Telephone: (816) 531-4415
Fax: (816) 531-2507
sam@wendtlaw.com

Attorneys for Plaintiffs

Richard B. North, Jr. (admitted *pro hac vice*)
Georgia Bar No. 545599
NELSON MULLINS RILEY & SCARBOROUGH LLP
Atlantic Station
201 17th Street, NW, Suite 1700
Atlanta, GA 30363
Telephone: (404) 322-6000
Fax: (404) 322-6050
richard.north@nelsonmullins.com

Attorneys for Defendants
C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products
Liability Litigation

No. 2:15-MD-02641-DGC

**THE PARTIES' JOINT RESPONSE TO
THE COURT'S SEPTEMBER 3, 2020
ORDER**

(Assigned to the Honorable David G.
Campbell)

This Document Relates To:
JAMES W. MCLEOD, JR.

CV-18-02386-PHX-DGC

On September 3, 2020, the Court issued an order directing the parties to explain why this case should be dismissed without prejudice, rather than with prejudice, under Fed. R. Civ. P. 41. See Doc. 21578. The parties are therefore providing the Court with this explanation.

This individual plaintiff, James W. McLeod, Jr., retained two separate law firms to represent him regarding his IVC filter claim. Those law firms were the Wendt Law Firm, P.C. and Baron & Budd, P.C. The Wendt Law Firm filed this lawsuit on Mr. McLeod's

1 behalf, while Baron & Budd did not actually file suit. However, Mr. McLeod settled his
2 claim as a part of Baron & Budd's inventory settlement with the defendants. Under the
3 terms of that settlement, Mr. McLeod has already signed a release of his claims. This action
4 filed by the Wendt firm is therefore essentially duplicative of the already-settled claim, and
5 the Wendt Law Firm dismissed the action accordingly. The Wendt Law Firm filed the
6 dismissal without prejudice, since the plaintiff is currently being represented by Baron &
7 Budd for the settlement of his claim.

8 As previously noted, Mr. McLeod has already signed a release of his claims. No
9 tolling agreement is associated with this case or its dismissal.

10 If the Court has any additional questions or concerns, the parties will of course be
11 happy to address them.

12 RESPECTFULLY SUBMITTED this 10th day of September, 2020.

13 BEUS GILBERT MCGRODER PLLC

NELSON MULLINS RILEY &
SCARBOROUGH, LLP

15 By: /s/ Samuel Mason Wendt (with
16 permission)
17 Samuel Mason Wendt (*pro hac vice*)
18 Missouri Bar No. 53573
19 Wendt Law Firm P.C.
20 4717 Grand Avenue, Suite 130
21 Kansas City, MO 64112
22 Tel. (816) 531-4415
23 Fax (816) 531-2507
24 Email: sam@wendtlaw.com

25 *Attorney for Plaintiffs*

By: /s/ Richard B. North, Jr.
Richard B. North, Jr. (*pro hac vice*)
Georgia Bar No. 545599
Atlantic Station
201 17th Street, N.W., Suite 1700
Atlanta, GA 30363
Tel. (404) 322-6000
Fax (404) 322-6050
Email: richard.north@nelsonmullins.com

*Attorneys for C. R. Bard, Inc. and Bard
Peripheral Vascular, Inc.*